



ANNUAL
ACTIVITIES AND EXPENDITURES REPORT

July 1, 2018 – June 30, 2019

The Office of State Public Defender (OSPD) was created by the Legislature in 2011 through the consolidation of the Office of Capital Defense Counsel and the Office of Indigent Appeals. Capital Defense was opened in 2001 to provide Sixth Amendment services in death penalty eligible cases at trial and direct appeal. Indigent Appeals was created in 2005 to handle non-death felony appeals.

The Defender Training Division was added to provide training and technical assistance to all working in indigent defense. The scope of services was expanded to allow Indigent Appeals to handle appeals from youth court, and again in 2016 to authorize the OSPD to handle defense of parents accused of abuse or neglect in youth court and on appeal.

STATE DEFENDER

In July 2018, OSPD submitted a revised 5-Year Strategic Plan and FY 2020 Budget Request. Working with the Legislature throughout the 2019 Session, OSPD secured a 5.6% increase in funding which will be used to expand the parent defense program.

The State Defender serves on the Corrections and Criminal Justice Oversight Taskforce, the Sentencing Disparity Taskforce, is working with the Parent Representation Taskforce of the Supreme Court's Children's Justice Commission, and worked with the Public Defender Taskforce. In February the Chief Justice appointed the State Defender to serve on the Children's Justice Commission.

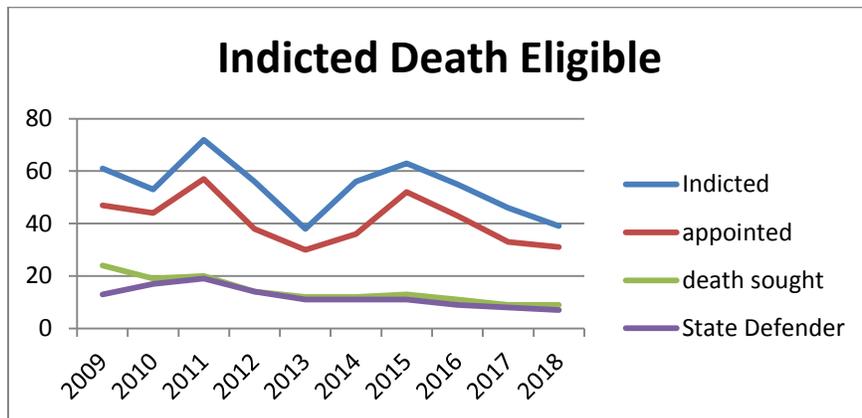
The State Defender drafted the Public Defender Taskforce Final Report and Recommendations for reorganization of the felony indigent defense system in Mississippi. OSPD worked throughout the 2019 legislative session on the task force bill as well as other criminal justice bills. The task force bill did not pass. A Forensic Mental Health bill crafted by OSPD with input from the Department of Mental Health and a coalition of judges and prosecutors was passed. This law will facilitate faster competency evaluations and easier transition from the criminal court to civil court for people found incompetent and not restorable to competency.

The State Defender submitted recommendations to the Oversight Taskforce and Sentencing Disparity Taskforce. We have also updated our report on [racial disparities](#) in the criminal justice system. The State Defender was the principal drafter of the Oversight Task Force Report to the Legislature.

In April, the State Defender presented a legislative update to the Mississippi Association for Justice Criminal Law seminar and in June to the University of Mississippi Criminal Law seminar.

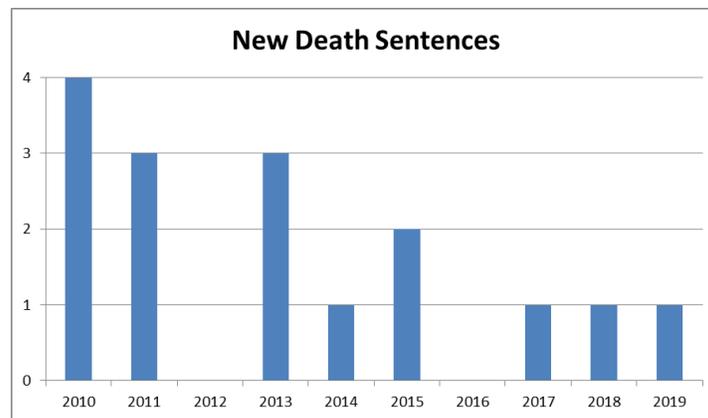
CAPITAL DEFENSE

Capital Defense is currently staffed to handle a mix of 10-12 new trial level cases per year and/or two new appeals per year. This assumes local counsel will be appointed. At the close of the year the division was representing 15 clients at the trial level. At the time of the merger Capital Defense had a total staff of 11 including 5 capital defenders. With efficiencies from the merger and declining demand the division is now staffed by 7 including 3 capital defenders.



A motion for new trial was granted in one death case from 2018 and it is back on the trial docket. Capital Defense is representing two clients at the direct appeal stage. Alison Steiner of the Capital Defense Division along with pro bono counsel from the Cornell Death Penalty Project served as counsel for Curtis Flowers. The Supreme Court of the United States reversed Mr. Flowers' conviction and death sentence in June. These are all of the direct appeal cases pending.

The division has tried two cases this year. One received a death sentence and is counted in the appeals above and the other was sentenced to life. That appeal is being handled by the Indigent Appeals Division. A docket of pending death eligible cases and rosters of death penalty cases are attached to this report.



OSPD staff continues to be recognized as innovators and trainers. The State Defender was invited to present at the capital defense seminar in Salt Lake City in November. In December he presented to new Circuit Court Judges at the Mississippi Judicial College new judge training. Mitigation Specialist Lela Hubbard presented at the national mitigation training in Tampa, Florida.

INDIGENT APPEALS

Since July 1, 2018, IAD has filed 120 briefs and participated in two oral arguments and one bail hearing. At the close of the year IAD had 186 open cases including 28 awaiting the filing of the record and briefing schedule. Six are assigned to Juvenile Resource Counsel and the remaining cases are divided between the six division attorneys.



Staff attorneys of IAD routinely answer questions from county level defenders in the field and provide legal updates at the semi-annual public defender training seminars. IAD attorneys also serve on Supreme Court committees and Mississippi Bar committees.

Indigent Appeals operated with seven lawyers from the merger in 2011 until June 2018 but this year operated with six lawyers. The State Defender, after assessment of workload based on a recently released study of appellate caseloads in Texas, reduced the division staff by one attorney. The increase in workload per attorney has been offset by a reduction in new briefing schedules issued, the assignment of appeals in juvenile life without parole cases to other staff and an increase in briefs filed per attorney.

The cost of operating IAD was reduced by over 10%. Significantly fewer briefs were filed within the goal of 60 days. However, the “average days to file a brief” only increased by 1 or approximately 2% longer.

The year ended with the retirement of Professor Phil Broadhead as director of the Criminal Appeals Clinic at the University of Mississippi School of Law. Phil established the Clinic in 2002 after a career as a public defender in Marion and then Hinds County.

Under Phil’s direction third year law students took on cases for IAD clients. With Phil’s retirement the University suspended the program. Once averaging over 9 cases at a time the remaining cases were absorbed by IAD. The loss of this program will not just be felt by IAD in increased caseload but by the criminal justice system and the students who benefited from the opportunity to gain real life experience.



Phil is a life member, past president and board director of the Mississippi Public Defenders Association, where he has worked in the organization’s teaching institute to enhance the trial skills of criminal defense attorneys.

Fiscal Year 2018-19						
	2018/19 Q1	2018/19 Q2	2018/19 Q3	2018/19 Q4	TOTALS	
Briefing Sched. Issued	28	29	44	19	120	Total
Briefs Filed	26	33	29	32	120	Total
average days to file briefs	42	47	46	61	49	Average
percent filed w/in 60 days	88%	85%	69%	40%	70.50%	Overall
Total Pending Cases at close of Quarter	214	209	208	186	204.25	Avg. Caseload
<i>Status of Pending Cases</i>						
awaiting breifing schedule	38	40	31	28		
assigned to Ole Miss	11	10	10	0		
briefs in progress	18	17	28	16		
pending rehearing motions - appellant	10	6	5	11		
pending rehearing motions - appellee	2	1	3	1		
pending cert. petitions - appellant	10	13	9	6		
pending cert. petitions - appellee	1	2	2	2		
state briefs due	25	34	37	25		
awaiting decision	79	65	68	77		
pending post decision	19	19	14	20		
misc. pending	1	2	1	0		
Fiscal Year 2017-18						
	2017/18 Q1	2017/18 Q2	2017/18 Q3	2017/18 Q4	TOTALS	
Briefing Sched. Issued	41	42	28	34	145	Total
Briefs Filed	27	42	29	33	131	Total
average days to file briefs	40	49	51	50	48	Average
percent filed w/in 60 days	93%	85%	77%	79%	84%	Overall
Total Pending Cases at close of Quarter	228	231	238	219	229	Avg. Caseload
<i>Status of Pending Cases</i>						
awaiting breifing schedule	48	42	47	37		
assigned to Ole Miss	9	7	9	9		
briefs in progress	26	23	20	20		
pending rehearing motions - appellant	13	13	14	13		
pending rehearing motions - appellee	3	3	2	1		
pending cert. petitions - appellant	9	8	9	6		
pending cert. petitions - appellee	1	0	1	1		
state briefs due	38	40	32	36		
awaiting decision	59	75	82	76		
pending post decision	21	19	21	19		
misc. pending	1	1	1	1		

DEFENDER TRAINING

In August a parent defender program was provided in Oxford for North Mississippi practitioners and in October in Hancock County for South Mississippi. Also in October the Division coordinated a multi-disciplinary training for Child Welfare System practitioners including CPS workers, judges and prosecutors. In September a juvenile defender program was conducted in Jackson. The semi-annual felony defender program was held in Tupelo in October with 81 participants.

In April OSPD staff participated in four training programs in two weeks. In the first week OSPD provided administrative and logistical support as well as presenters for the National Association for Public Defense Investigator & Mitigation Specialist program in Biloxi. The following week OSPD partnered with Gideon's Promise, the National Association of Criminal Defense Lawyers and Mississippi College School of Law to conduct a pre-trial advocacy seminar. This was followed by the semi-annual public defender training seminar at which 159 public defenders from across Mississippi received 14.3 hours of continuing legal education. Simultaneously 57 youth court defenders received 9.3 hours towards the annual training required for certification.

The year was closed out with a Parent Defender Training in Jackson. Twenty-eight attorneys received 6 hours of CLE to meet the training certification requirement. In total over 400 people participated in OSPD training programs with over 9200 hours of CLE credit provided.

In addition to providing support to the State Defender in developing the Parent Representation program and system reorganization plan, the Training Division is assisting with the development of a resource project for cases involving significant mental health issues and a defender data project. The Division is providing on-going technical assistance to trial level defenders.

Through the Training Division, OSPD continues to provide technical assistance to attorneys handling cases for juvenile offenders facing life without parole sentences (JLWOP) through the Juvenile Parole Resource Counsel project. The project is primarily funded through a grant from the Southern Poverty Law Center.

In May OSPD joined the #MSBailOutCollective, a coalition including the People's Advocacy Institute, BYP100, Black With No Chaser, Clean Slate Health Services, Fwd.us, MSVotes, Mississippi In Action, One Voice & more. The Collective was able to free two mothers for Mother's Day.



Beau Rudder, Training Director, OSPD, Katie Poor, Staff Attorney, OSPD and Rukia Lumumba, Executive Director, People's Advocacy Institute at the Hinds County Circuit Clerk's Office to facilitate releases.



One of the women, a 67 year-old Black mother with chronic health issues, sat in jail for 6-months because she could not afford her \$10,000 bail. She lost her home, all her valuable possessions, and her health insurance. Through the support of the National Bail Out and Fwd.us, the collective was able to free this Black mother and restore her needs in time for Mother's Day.

This initiative is helping to highlight the plight of poor people stuck in jail not because of a crime they committed but because they lack the means to post bail.



In memoriam:

In May the defender community lost a true champion of liberty. William “Bill” Kirksey epitomized what it means to be a criminal defense lawyer. Bill never served as a regular public defender but throughout his career he never shied away from appointments to some of the most challenging cases especially numerous death penalty cases. You could not watch Bill in court and tell whether his client was fortunate enough to have hired him or fortunate enough to have Bill agree to take on the case at whatever the judge was willing to pay. Bill’s commitment to the legal system went beyond his work on behalf of clients. Every time we asked Bill to help train public defenders he was there!

PARENT DEFENSE

In 2016 the Legislature authorized OSPD to begin involvement in child welfare matters through training lawyers representing indigent parents accused of abuse or neglect by CPS as well as limited direct representation at the trial phase and on appeal in such matters.

There was initially no additional appropriation for either aspect of this program however OSPD began the training portion by reallocating available funds. By 2018 OSPD was providing three parent defender training programs a year. OSPD also expanded the Youth Court Resource Counsel project to include technical assistance for parent defenders in addition to juvenile defenders.

The Legislature provided \$200,000 to begin providing direct representation in 2018. In addition to taking over existing pilots OSPD and Jackson County partnered to launch a new model of parent defense. The program consisted of not just a fulltime defender but a social services position. The model has been adopted by another county supported by county, private grant and federal grant funds through Mission First Legal Aid serving Rankin County.

The other OSPD supported trial level programs include: a fulltime defender based at the Center for Legal Services serving Harrison County; funding half of the cost of fulltime defenders in Hancock and Desoto counties and funding half of the cost of a part-time defender in Adams County. Beginning in July 2018 OSPD assumed management of pilot sites in Hinds and Bolivar Counties. Each program is funded by a 50/50 match of county and Kellogg Foundation grant funds. OSPD will expand into 13 counties in SFY 2020.

Our state Supreme Court has long recognized that “the lack of appellate activity in the child abuse and neglect arena led to the deterioration of state and federal procedural safeguards designed to protect Mississippi’s children in need.” Budget Request FY 2019, Supreme Court – Administrative Office of Courts, 4-1. This conclusion came from a 1995 study commissioned by the Court.

OSPD has now begun to address this decades old problem. As of June 30, 2019, OSPD is providing appellate representation to seven (7) parents through contract counsel. Oral argument in the first case was held in June before the Court of Appeals.

General fund expenditures:

Office of Capital Defense	
SALARIES, WAGES & FRINGE BENEFITS	-727,297.21
TRAVEL AND SUBSISTENCE - IN STATE TRAVEL AND	-34,177.97
CONTRACTUAL SERVICES	-113,838.80
COMMODITIES	-12,114.27
TOTAL	-887,428.25
 Office of Indigent Appeals 	
SALARIES, WAGES & FRINGE BENEFITS	-971,415.30
TRAVEL AND SUBSISTENCE - IN STATE TRAVEL AND	-1,457.26
CONTRACTUAL SERVICES	-23,788.09
COMMODITIES	-2,892.56
TOTAL	-999,711.63
 Office of Training 	
SALARIES, WAGES & FRINGE BENEFITS	-206,130.79
TRAVEL AND SUBSISTENCE - IN STATE TRAVEL AND	-10,403.27
CONTRACTUAL SERVICES	-207,011.84
COMMODITIES	-70,463.65
TOTAL	-494,009.55
 State Defender 	
SALARIES, WAGES & FRINGE BENEFITS	-244,649.92
TRAVEL AND SUBSISTENCE - IN STATE TRAVEL AND	-1,406.34
CONTRACTUAL SERVICES	-565.00
COMMODITIES	-419.26
TOTAL	-247,040.52
 Parent Rep 	
TRAVEL AND SUBSISTENCE - IN STATE TRAVEL AND	-98.68
CONTRACTUAL SERVICES	-2,767.25
SUBSIDIES, LOANS AND GRANTS	-176,159.00
TOTAL	-179,024.93
 AGENCY TOTAL	 -2,807,214.88

Below is an accounting of all special fund expenditures. The SPLC grant covers all but Subsidies category which is funded by Kellogg and Casey Family to provide Parent Defense.

Detailed Cash Expenses as of June 30, 2019		
Special Fund		
SALARIES, WAGES & FRINGE BENEFITS		-171,385.15
TRAVEL AND SUBSISTENCE - IN STATE TRAVEL AND SUBSI		-3,281.04
CONTRACTUAL SERVICES		-15,235.96
COMMODITIES		-808.81
SUBSIDIES, LOANS AND GRANTS		-82,448.00
TOTAL		-273,158.96
SUBSIDIES, LOANS AND GRANTS	OTHER ASSISTANCE	-3750.00
SUBSIDIES, LOANS AND GRANTS	OTHER ASSISTANCE	-3750.00
SUBSIDIES, LOANS AND GRANTS	OTHER ASSISTANCE	-3750.00
SUBSIDIES, LOANS AND GRANTS	OTHER ASSISTANCE	-3750.00
TRAVEL AND SUBSISTENCE - IN STATE TRAV	IN STATE TRAVEL	-138.31
COMMODITIES	REIMBURSABLE TRAVEL - C	-32.00
JUNE EXPENSES POSTED IN JULY, 2019		-15170.31
TOTAL		288,327.27

INDICTED DOCKET

July 1, 2019

District	County	Name		Counsel
1	Alcorn	Deen	Darius	Appointed
1	Alcorn	Gunn	Shaquavia	Appointed
1	Alcorn	Walker	Shakoa	Appointed
1	Lee	Wilson	William	Appointed
1	Prentiss	Rutledge	Mike	Appointed
2	Hancock	May	Christopher	Appointed
2	Harrison	Hart	Robert	Appointed
3	Lafayette	Johnson	Melvin	Appointed
3	Lafayette	Wilbanks	Steven	Appointed
4	Leflore	Canada	Renee	Appointed
4	Sunflower	Edwards	Lucas	Appointed
4	Sunflower	Gibson	Virlandrius	Appointed
4	Sunflower	Price	Garrick	Appointed
4	Sunflower	Triplett	Beuncle	Appointed
4	Sunflower	Wallace	Kerry	Appointed
4	Sunflower	Wallace	LaMarcus	Appointed
4	Sunflower	Wallace	Patrick	Appointed
4	Washington	Cleveland	Merick	Appointed
4	Washington	Flowers	Malik	Appointed
4	Washington	Harris	Jonathan	Retained
4	Washington	Hill	Cordero	Retained
4	Washington	Robinson	Johnathan	Appointed
4	Washington	Smith	Brandon	Retained
4	Washington	Stevenson	Leonard Jr	Appointed
4	Washington	Stevenson	Leonard Jr	Appointed
5	Carroll	Brown	Dameond	Appointed
5	Grenada	Spearman	Cornelius	Appointed
7	Hinds	Bennett	Christopher	Retained
7	Hinds	Brown	Terrell	Retained
7	Hinds	Carey	Orlando	Appointed
7	Hinds	Crowley	Rashaun	Appointed
7	Hinds	Dixon	Antonio	Appointed
7	Hinds	Dixon	Lidarious	Appointed
7	Hinds	Forte	Maurice	Appointed
7	Hinds	Garcia	Joshua	Appointed
7	Hinds	Harris	Detrich	Appointed
7	Hinds	Hoard	Derrick	Appointed
7	Hinds	McDonald	Benjamin	Appointed
7	Hinds	Morrison	Octavious	Appointed
7	Hinds	Paige	Jushun	Retained
7	Hinds	Parker	Tateanna	Appointed
7	Hinds	Reed	Samuel	Retained

INDICTED DOCKET

July 1, 2019

7	Hinds	Robinson	Willie	Appointed
7	Hinds	Stewart	Alonzo	Appointed
7	Hinds	Stewart	Charles	Retained
7	Hinds	Strickland	Sarah	Appointed
7	Hinds	Thompson	Darius	Appointed
7	Hinds	Washington Jr.	Gino	Appointed
7	Hinds	Webster	Quantineshia	Appointed
7	Hinds	Woodard	Martin	Retained
8	Neshoba	Jackson	Robert	Appointed
10	Lauderdale	McCallum	Juwan	Appointed
10	Lauderdale	McVay	Karon	Retained
10	Lauderdale	Sanders	Christopher	Retained
10	Lauderdale	Steele	Marcus II	Appointed
10	Wayne	Hayes	Lewis	Appointed
10	Wayne	Ray	Deanthony	Retained
10	Wayne	Stewart	Jermaine	Appointed
14	Lincoln	Godbolt	Willie	Appointed
16	Clay	Brownlee	Latoria	Appointed
16	Lowndes	Allen Jr	Clark	Appointed
16	Lowndes	Hodges	Quintez	Pro Bono
16	Lowndes	Murray	David	Retained
16	Noxubee	Reed	Elizabeth	Retained
16	Oktibbeha	Chisholm	William	Appointed
16	Oktibbeha	Devaughn	Michael	Appointed
16	Oktibbeha	Pippins	Syboris	Retained
17	DeSoto	Alexander	Alison	Appointed
17	DeSoto	Barnes	Tiffany	Appointed
17	DeSoto	Brown	Sherwood	Retained
17	DeSoto	Caudle	Jalen	Retained
17	DeSoto	Dansberry	Demario	Retained
17	DeSoto	Simmons	Miriko	Retained
17	DeSoto	Stevenson	Mario	Appointed
17	DeSoto	Waldrop	Christopher	Appointed
17	Panola	Jones	William	Appointed
17	Panola	Richardson	Glen	Appointed
17	Panola	Turner	James	Appointed
17	Tate	Brown	Cody	Appointed
17	Tate	Latimer	McKenzie	Appointed
18	Jones	Crosby	Rashad	Retained
18	Jones	Glenn	Justin	Retained
19	Jackson	Cooks	Darrian	Retained
19	Jackson	Davis	Sirmarrion	Retained
19	Jackson	Doss	Michael	Appointed
19	Jackson	Gipson	Lee	Appointed

INDICTED DOCKET

July 1, 2019

19	Jackson	Harris	Michael	Appointed
19	Jackson	Jackson	Robert	Retained
19	Jackson	Stafford	Thomas	Appointed
19	Jackson	Watts	Tykice	Retained
20	Madison	McBride	Byron	Retained
21	Holmes	Jones	Wilson A.	Appointed
21	Yazoo	Grant	Tyrone	Appointed
22	Claiborne	Bevily	T"Kia	Appointed
22	Claiborne	Bevily IV	Morris	Retained
22	Copiah	Bailey	Antonio	Retained
22	Copiah	Jackson	Kimberly	Appointed
22	Copiah	Lewis	Augustyn	Retained
22	Copiah	Sutton	Da'jour	Appointed

DIRECT APPEAL ROSTER

	Last Name	First Name	County	Su Ct #
Certioari				
Rehearing				
Argued				
Briefed				
Appellee Brief Due	Garcia	Alberto	Harrison	2017-DP-504
Appellant Brief Due				
Record Pending	Clark	Tony	Madison	2019-DP-00689
Motion for New Trial				

State Post-Conviction Roster

Rehearing

Hutto	James	Hinds		2017-DR-1207
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Appeal from Circuit Court

Batiste	Bobby	Oktibbeha		2019-CA-00283
Howard	Eddie	Lowndes	successor	2018-CA-01586
Keller	Jason	Harrison		2019-TS-01347
Walker	Alan	Harrison	successor	2018-CA-01059

Remand to Circuit Court

Bennett	Devin	Rankin		2006-DR-01516
Corrothers	Caleb	Lafayette		2014-DR-01689
Le	Thong	Jackson	successor	2013-DR-00327
Manning	Willie	Oktibbeha	successor	2013-DR-491

Motion Filed

Brown	Joseph	Adams	successor	2015-DR-01099
Cox	David	Union		2015-DR-00978
Dickerson	David	Copiah		2015-DR-00954
Evans	Timothy	Hancock		2017-DR-1385
Galloway	Leslie III	Harrison		2013-DR-01796 STAYED
Knox	Steve	Amite	successor	2014-DR-849
Walker	Derrick	Lee		2005-DR-00788 STAYED

Motion Due

Ambrose	Abdur	Harrison		2018-DR-1525
Brown	Xavier	Lamar	successor	2017-DR-1373
Moffett	Eric	Hinds	successor	2018-DR-276
Powers	Stephen	Forrest	successor	2017-DR-696
Simon	Robert	Quitman	successor	2016-DR-00092
Smith	Clyde	Leflore	successor	2019-DR-01492
Underwood	Justin	Madison	successor	2015-DR-01378

Federal Court Roster

COURT	Last Name	First Name	County	Docket #	
Supreme Court					
Fifth Circuit Court of Appeals					
Northern District of Mississippi					
	Carr	Anthony	Quitman		
	Howard	Eddie	Lowndes	3:07-cv-00010-WAP	STAYED
	Howell	Marlon	Union	3:15-cv-105-DMB	STAYED
	Pitchford	Terry	Grenada	4:18-cv-00002	
	Smith	Clyde	Leflore	4:17-cv-87	STAYED
Southern District of Mississippi					
	Billiot	James	Hancock	1:86-cv-00549-TSL	STAYED
	Brown	Joseph	Adams	5:12-cv-00091	STAYED
	Brown	Xavier	Lamar	2:07-cv-00049-HTW	STAYED
	Chase	Ricky	Copiah	3:15-cv-00799	
	Chamberlin	Lisa Jo	Forrest	2:11-cv-72	
	Grayson	Blayde	George	1:04-cv-00708-DPJ	
	Jordan	Kelvin	Clarke	2:13-cv-301	
	Knox	Steve	Amite	5:13-cv-241	STAYED
	Le	Thong	Jackson	1:07-cv-01128-LG	STAYED
	Moffett	Eric	Hinds	3:14-cv-639-CWR	STAYED
	Powers	Stephen	Forrest	2:07-cv-00020-HTW	STAYED
	Ronk	Timothy	Harrison	1:2019-cv-346	
	Thorson	Roger	Harrison	1:12-cv-00067-DPJ	STAYED
	Underwood	Justin	Madison	3:06-cv-00273-DPJ	STAYED
	Walker	Alan	Harrison	1:97-cv-00029-KS	STAYED